

CHAPTER NO. 315

SENATE BILL NO. 1887

By Haun

Substituted for: House Bill No. 1914

By Newton, Brenda Turner

AN ACT To amend Tennessee Code Annotated, Title 65, Chapter 11, relative to railroad crossings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-11-101, is amended by adding the following language as a new, appropriately designated subsection:

(c)(1) Notwithstanding any provisions of subsections (a) or (b) to the contrary, after July 1, 2001, no public railroad grade crossing shall be constructed and no private crossing shall be converted to a public crossing without the entity desiring the crossing or the conversion having first:

(A) Submitted the plans for the construction or conversion of the proposed crossing to the Department of Transportation; and,

(B) Obtained the department's approval of those plans. Prior to rendering its final decision, the department shall submit the plans it proposes to approve to the Federal Highway Administration, the affected local government, and the involved railroad for review and comment. Any developer, individual, corporation or other private entity desiring the construction or conversion of a crossing shall be responsible for all costs associated with constructing or converting such crossing in compliance with the plans approved by the department. No public railroad grade crossing constructed after July 1, 2001, and no private crossing converted to a public crossing after July 1, 2001, shall be opened to vehicular traffic until such crossing is inspected by the department to assure that the crossing was constructed or converted in accordance with the approved plans.

(2) The department shall promulgate standards pertaining to the construction or conversion of grade crossings pursuant to this subsection, including, but not limited to, appropriate warning devices. The department shall not approve any plans for construction or conversion of a railroad grade crossing that do not comply with the promulgated standards.

(3) The department shall charge a fee for the review and approval of plans for construction or conversion of railroad crossings and the inspection of the completed crossings. Such fee shall be sufficient to offset the cost to the department of performing these services. Such fee shall be paid by the party seeking approval of the plans for the crossing.

(4) The department shall promulgate rules and regulations pertaining to the approval of plans for construction or conversion of railroad grade crossings and the inspection of those crossings pursuant to the provisions of this subsection.

(5) Upon receipt of an application for approval of plans pursuant to this subsection, the department shall notify the affected railroad and the governmental body having jurisdiction over the proposed location.

(6) If a crossing is constructed or converted in violation of any provision of this subsection, the affected railroad may remove the crossing and recover the cost of such removal from the party that constructed or converted the crossing.

(7) Nothing in this subsection shall be construed as granting the department authority to permit the construction of public railroad grade crossings or the conversion of private crossings on roads not designated as being on the state system of highways.


(8) (A) It is the intent of the general assembly that the standards, rules and regulations promulgated pursuant to this subsection shall not be applied for any reason whatsoever to any railroad crossings established prior to July 1, 2001, except for the sole purpose of evaluating such railroad grade crossings for possible closure.

(B) It is the intent of the general assembly that the standards, rules and regulations promulgated by the department pursuant to this subsection shall take effect on or before March 1, 2002.

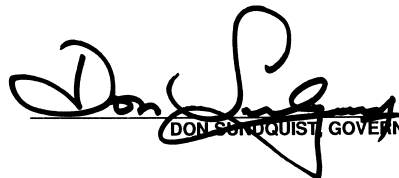
SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 21, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of May 2001


DON SUNDQUIST, GOVERNOR